THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.25619 OF 2005

Dt.1.12.2005

Between:

M.Ch.Anantha Reddy … Petitioner

And

The District Collector, Prakasam District,

Ongole and another … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies.

The petitioner was the Fair Price shop dealer of Chintagunta Village, Markapuram Mandal, Prakasam District. Initially his dealership has been suspended by proceedings dated 23.7.2004. Against which, he has filed W.P.No.14086 of 2004 and this Court while setting aside the impugned order of suspension pending enquiry directed the respondent to issue show cause notice and to conduct enquiry and pass final orders. Thereafter, it appears that show cause notice has been issued and after considering the explanation the authorization of the petitioner has been cancelled by proceedings dated 7.12.2004. Against the said order, the petitioner filed an appeal before the Joint Collector, Prakasam District and the appellate authority after

considering the grounds of appeal found that the irregularities committed by the petitioner are trivial and technical in nature and it is not a case warranting cancellation of authorization and allowed the appeal by order dated 30.9.2005. As against the said order of the appellate authority, it is stated that some third party, who are not even cardholders but only residents of the said village, filed a revision before the District Collector, Prakasam District, who is the revisional authority. The District Collector without issuing any notice to the petitioner and in spite of filing a caveat stayed the order of the Joint Collector by the impugned order dated 9.11.2005. Questioning the same, this writ petition has been filed.

Similar orders of the District Collector have been set aside by this Court in a batch of writ petitions on the ground that the District Collector ought not to have granted ex parte stay without hearing the petitioner more so when the revision is filed at the instance of a third party.

Having regard to the facts and circumstances of the case, the impugned order dated 9.11.2005 passed by the first respondent is set aside and the revisional authority is directed to dispose of the main revision after giving reasonable opportunity to the petitioner as well as to the revision petitioners in accordance with law.

The writ petition is accordingly disposed of. No costs.

(V.ESWARAIAH, J.)

1.12.2005

Note: Issue copy within two days

B.O.

kpr